

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

CLARENCE ANDERSON III,	)	
	)	
Petitioner,	)	
	)	
	)	
v.	)	
	)	Civil Action No. 1:19-cv-1139 (AJT/IDD)
MATT DONOVAN, <i>et al.</i> ,	)	
	)	
Respondents.	)	
	)	
_____	)	

**ORDER**

Before the Court is Petitioner Clarence Anderson III's *pro se* motion to proceed *in forma pauperis* before the Court of Appeals for the Fourth Circuit. [Doc. No. 70] (the "Motion").

On January 16, 2024, the Magistrate Judge issued a report with proposed findings of fact and recommendations, [Doc. No. 72] (the "R&R"), recommending that motion to proceed *in forma pauperis* before the Court of Appeals be denied. Specifically, the R&R finds that Anderson has sufficient discretionary income to pay the requisite filing fees and provide for the necessities of life, and therefore his claim of poverty, within the meaning of 28 U.S.C. § 1915, is untrue. *Id.* at 2; *see also* 28 U.S.C. § 1915(e)(2)(A). Anderson has not filed any objections to the R&R with the Court and his time to do so has now expired.

The Court conducted a *de novo* review of the pleadings and evidence in this case and adopts and incorporates the findings and recommendations of the Magistrate Judge. Furthermore, the Court finds that the appeal—Anderson's third effectively challenging this Court's February

2020 Order granting Respondents' motion to dismiss—is frivolous, as discussed in the Court's October 3, 2023 Order denying reconsideration, which independently warrants denial of the Motion pursuant to 28 U.S.C. § 1915(e)(2)(B)(i). Accordingly, it is hereby

**ORDERED** that the Motion be, and the same hereby is, **DENIED**.

The Clerk is directed to forward copies of this Order to all counsel of record and to the *pro se* Petitioner at his listed address.

January 31, 2024  
Alexandria, Virginia

  
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Anthony J. Trenga  
Senior U.S. District Judge